

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER REYNART,

Petitioner,

ORDER

11-CV-0748(JS)

-against-

WILLIAM A. LEE,

Respondent.

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APPEARANCES

For Petitioner: Christopher Reynart, pro se
06-A-1538
Green Haven Correctional Facility
P.O. Box 4000
Stormville, NY 12582

For Respondent: Edward Bannan, Esq.
Suffolk County District Attorney's Office
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901

SEYBERT, District Judge:

The Court is in receipt three separate reply briefs submitted by the Petitioner in support of his Petition. (Docket Entries 8, 13, 14.)¹ While Petitioner was entitled to file a response to Respondent's submission, he submitted the additional two "replies" without first seeking the Court's leave. The Court need not consider such supplemental papers, which function

¹ This is in addition to two letters submitted before Respondent filed his response to the Court's Order to Show Cause (Docket Entries 5, 6) and two letters requesting discovery (Docket Entries 11, 12), all of which provide additional case law allegedly in support of his underlying Petition.

as an unauthorized sur-reply. See Kapiti v. Kelly, No. 07-CV-3782, 2008 WL 754686, at *1 n.1. Additionally, the Court need not consider arguments raised for the first time in a reply brief. See Keefe v. Shalala, 71 F.3d 1060, 1066 n.2; Concepcion v. U.S., 181 F. Supp. 2d 206, 231 (E.D.N.Y. 2002).

Therefore, the Court will not consider the arguments raised by Petitioner in these unauthorized supplemental filings. If Petitioner continues to file these unauthorized sur-replies, he may face sanctions.

The Clerk of the Court is directed to send a copy of this Order to the pro se Petitioner.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 16, 2012
Central Islip, NY